

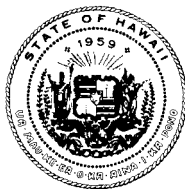
State of Hawaii  
Department of Human Services  
Office of Youth Services  
Hawaii Youth Correctional Facility

**In-Facility Sex Offender and Victim  
Services**

**RFP Number: HMS-503-09-04**

March 9, 2009

Note: If this RFP was downloaded from the State Procurement Office RFP Website each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, you may download the [RFP Interest form](#), complete and e-mail or mail to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.



Phone: (808) 587-5700  
Fax: (808) 587-5734

**STATE OF HAWAII**  
DEPARTMENT OF HUMAN SERVICES

**OFFICE OF YOUTH SERVICES**

820 Mililani Street, Suite 817  
Honolulu, Hawaii 96813

**REQUEST FOR PROPOSALS**  
**IN-FACILITY SEX OFFENDER AND VICTIM SERVICES**  
**RFP NO. HMS-503-09-04**

The Department of Human Services (DHS), Office of Youth Services (OYS), is requesting proposals from qualified applicants to provide appropriate assessment and services for the care, custody, and rehabilitation of male and female juvenile sex offenders and victims incarcerated at the Hawaii Youth Correctional Facility (HYCF). Services shall be provided on the grounds of the HYCF, after school hours, evenings, and on weekends. The contract term will commence on or after July 1, 2009 through June 30, 2010, and may be extended for up to 3 additional 12 month periods, contingent upon program performance and the availability of funds. Multiple contracts will not be awarded under the RFP.

The original and 3 copies of the proposal must be hand delivered by 4:30 p.m., Hawaii Standard Time (H.S.T.), or postmarked by the United States Postal Service (USPS) before midnight, H.S.T., on April 15, 2009 to the address below:

State of Hawaii  
Department of Human Services  
Office of Youth Services  
820 Mililani Street, Suite 817  
Honolulu, Hawaii 96813

Proposals postmarked by the USPS after midnight, H.S.T., on April 15, 2009 or hand delivered after 4:30 p.m., H.S.T., on April 15, 2009 will not be considered and will be returned to the applicant. Deliveries by private mail services such as Federal Express (FedEx) and the United Parcel Service (UPS) shall be considered hand deliveries. There are no exceptions to this requirement.

An orientation session will be held on March 18, 2009 from 10:00 a.m. to 12:00 noon, H.S.T., at the Haseko Center, 820 Mililani Street, Suite #817 (Conference Room), Honolulu, Hawaii. All prospective applicants are encouraged to attend the orientation. Agencies and individuals should inform the RFP contact person of their intentions to attend the orientation session. The deadline for submission of written questions is 4:30 p.m., H.S.T., on March 20, 2009. All written questions will receive a written response from the State by March 27, 2009.

Inquiries regarding this RFP should be directed to the RFP contact person, Ms. Kelly Otake, Office of Youth Services, 820 Mililani Street, Suite #817, Honolulu, Hawaii 96813, telephone: (808) 587-5700, fax: (808) 587-5734.

## **PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET**

**ONE ORIGINAL AND THREE (3) COPIES OF THE PROPOSAL ARE TO BE SUBMITTED:**

ALL MAIL-INS SHALL BE POSTMARKED BY THE UNITED STATES POSTAL SERVICE (USPS) NO LATER THAN **APRIL 15, 2009** and received by the state purchasing agency no later than 10 days from the submittal deadline.

### **All Mail-ins**

Department of Human Services  
Office of Youth Services  
820 Mililani Street, Suite 817  
Honolulu, Hawaii 96813

### **RFP COORDINATOR**

Ms. Kelly Otake  
Phone: 587-5700  
Fax: 587-5734

ALL HAND DELIVERIES SHALL BE ACCEPTED UNTIL **4:30 P.M., Hawaii Standard Time (HST), APRIL 15, 2009**. Deliveries by private mail services such as FEDEX shall be considered hand deliveries. Hand deliveries shall not be accepted if received after 4:30 p.m., **APRIL 15, 2009**.

State of Hawaii  
Department of Human Services  
Office of Youth Services  
820 Mililani Street, Suite 817  
Honolulu, Hawaii 96813

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# **Section 1**

## **Administrative Overview**

# Section 1

## Administrative Overview

**Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.**

### I. Procurement Timetable

**Note that the procurement timetable represents the State's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.**

<u>Activity</u>	<u>Scheduled Date</u>
Public notice announcing Request for Proposals (RFP)	<u>3/09/09</u>
Distribution of RFP	<u>3/09/09</u>
RFP orientation session	<u>3/18/09</u>
Closing date for submission of written questions for written responses	<u>3/20/09</u>
State purchasing agency's response to applicants' written questions	<u>3/27/09</u>
Discussions with applicant prior to proposal submittal deadline (optional)	<u>3/09 – 4/09</u>
Proposal submittal deadline	<u>4/15/09</u>
Discussions with applicant after proposal submittal deadline (optional)	<u>4/09 – 5/09</u>
Final revised proposals (optional)	<u>4/09 – 5/09</u>
Proposal evaluation period	<u>4/09 – 5/09</u>
Provider selection	<u>4/09 – 5/09</u>
Notice of statement of findings and decision	<u>4/09 – 5/09</u>
Contract start date	<u>7/09</u>

## II. Website Reference

**The State Procurement Office (SPO) website is <http://hawaii.gov/spo/>**

	<b>For</b>	<b>Click</b>
1	Procurement of Health and Human Services	"Health and Human Services, Chapter 103F, HRS..."
2	RFP website	"Health and Human Services, Ch. 103F..." and "The RFP Website" (located under Quicklinks)
3	Hawaii Administrative Rules (HAR) for Procurement of Health and Human Services	"Statutes and Rules" and "Procurement of Health and Human Services"
4	Forms	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Forms"
5	Cost Principles	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Cost Principles"
6	Standard Contract -General Conditions	"Health and Human Services, Ch. 103F..." "For Private Providers" and "Contract Template – General Conditions"
7	Protest Forms/Procedures	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Protests"

### **Non-SPO websites**

**(Please note: website addresses may change from time to time. If a link is not active, try the State of Hawaii website at <http://hawaii.gov>)**

	<b>For</b>	<b>Go to</b>
8	Tax Clearance Forms (Department of Taxation Website)	<a href="http://hawaii.gov/tax/">http://hawaii.gov/tax/</a> click "Forms"
9	Wages and Labor Law Compliance, Section 103-055, HRS, (Hawaii State Legislature website)	<a href="http://capitol.hawaii.gov/">http://capitol.hawaii.gov/</a> click "Bill Status and Documents" and "Browse the HRS Sections."
10	Department of Commerce and Consumer Affairs, Business Registration	<a href="http://hawaii.gov/dcca">http://hawaii.gov/dcca</a> click "Business Registration"
11	Campaign Spending Commission	<a href="http://hawaii.gov/campaign">http://hawaii.gov/campaign</a>

## III. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS) Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.



#### IV. **RFP Organization**

This RFP is organized into five sections:

***Section 1, Administrative Overview:*** Provides applicants with an overview of the procurement process.

***Section 2, Service Specifications:*** Provides applicants with a general description of the tasks to be performed, delineates provider responsibilities, and defines deliverables (as applicable).

***Section 3, Proposal Application Instructions:*** Describes the required format and content for the proposal application.

***Section 4, Proposal Evaluation:*** Describes how proposals will be evaluated by the state purchasing agency.

***Section 5, Attachments:*** Provides applicants with information and forms necessary to complete the application.

#### V. **Contracting Office**

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

The Office of Youth Services  
820 Mililani Street, Suite 817  
Honolulu, HI 96813

#### VI. **Orientation**

An orientation for applicants in reference to the request for proposals will be held as follows:

<b>Date:</b>	<b>March 18, 2009</b>	<b>Time:</b>	<b>10:00 a.m. – 12:00 p.m.</b>
<b>Location:</b>	Haseko Center, 820 Mililani Street, Suite #817 (Conference Room ), Honolulu, Hawaii		

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at the state purchasing agency's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the state purchasing agency's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the paragraph VII. Submission of Questions.

## VII. Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in Section 2 of this RFP. All written questions will receive a written response from the state purchasing agency.

Deadline for submission of written questions:

**Date:** March 20, 2009      **Time:** 4:30 p.m. HST

State agency responses to applicant written questions will be provided by:

**Date:** March 27, 2009

## VIII. Submission of Proposals

A. **Forms/Formats** - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website referred to in II. Website Reference. Refer to the Proposal Application Checklist for the location of program specific forms.

1. **Proposal Application Identification (Form SPO-H-200).** Provides applicant proposal identification.
2. **Proposal Application Checklist.** Provides applicants with information on where to obtain the required forms; information on program specific requirements; which forms are required and the order in which all components should be assembled and submitted to the state purchasing agency.
3. **Table of Contents.** A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
4. **Proposal Application (Form SPO-H-200A).** Applicant shall submit comprehensive narratives that address all of the proposal requirements contained in Section 3 of this RFP, including a cost proposal/budget if required.

B. **Program Specific Requirements.** Program specific requirements are included in Sections 2, Service Specifications and Section 3, Proposal Application Instructions, as applicable. If required, Federal and/or State certifications are listed on the Proposal Application Checklist located in Section 5.

- C. **Multiple or Alternate Proposals.** Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2 of this RFP. In the event alternate proposals are not accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. **Tax Clearance.** Pursuant to HRS Section 103-53, as a prerequisite to entering into contracts of \$25,000 or more, providers shall be required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS). The certificate shall have an original green certified copy stamp and shall be valid for six (6) months from the most recent approval stamp date on the certificate. Tax clearance applications may be obtained from the Department of Taxation website. (Refer to this section's part II. Website Reference.)
- E. **Wages and Labor Law Compliance.** If applicable, by submitting a proposal, the applicant certifies that the applicant is in compliance with HRS Section 103-55, Wages, hours, and working conditions of employees of contractors performing services. Refer to HRS Section 103-55, at the Hawaii State Legislature website. (See part II, Website Reference.)
- **Compliance with all Applicable State Business and Employment Laws.** All providers shall comply with all laws governing entities doing business in the State. Prior to contracting, owners of all forms of business doing business in the state except sole proprietorships, charitable organizations unincorporated associations and foreign insurance companies be registered and in good standing with the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website. (See part II, Website Reference.)
- F. **Hawaii Compliance Express (HCE).** Providers may register with HCE for online proof of DOTAX and IRS tax clearance Department of Labor and Industrial Relations (DLIR) labor law compliance, and DCCA good standing compliance. There is a nominal annual fee for the service. The "Certificate of Vendor Compliance" issued online through HCE provides the registered provider's current compliance status as of the issuance date, and is accepted for both contracting and final payment purposes. Refer to this section's part II. Website Reference for HCE's website address.

- G. **Campaign Contributions by State and County Contractors.** Providers are hereby notified of the applicability of HRS Section 11-205.5, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, FAQs are available at the Campaign Spending Commission webpage. (See part II, Website Reference.)
- H. **Confidential Information.** If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

*Note that price is not considered confidential and will not be withheld.*

- I. **Confidentiality of Personal Information.** Act 10 relating to personal information was enacted in the 2008 special legislative session. As a result, the Attorney General's General Conditions of Form AG Form 103F, *Confidentiality of Personal Information*, has been amended to include Section 8 regarding protection of the use and disclosure of personal information administered by the agencies and given to third parties.
- J. **Proposal Submittal.** All mail-ins shall be postmarked by the United States Postal System (USPS) and received by the State purchasing agency no later than the submittal deadline indicated on the attached Proposal Mail-in and Delivery Information Sheet. All hand deliveries shall be received by the State purchasing agency by the date and time designated on the Proposal Mail-In and Delivery Information Sheet. Proposals shall be rejected when:
- Postmarked after the designated date; or
  - Postmarked by the designated date but not received within 10 days from the submittal deadline; or
  - If hand delivered, received after the designated date and time.
  - Proposals submitted by facsimile transmission or by electronic mail.

The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks.

## **IX. Discussions with Applicants**

- A. Prior to Submittal Deadline.** Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. After Proposal Submittal Deadline -** Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance HAR Section 3-143-403.

## **X. Opening of Proposals**

Upon receipt of a proposal by a state purchasing agency at a designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the state purchasing agency and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

## **XI. Additional Materials and Documentation**

Upon request from the state purchasing agency, each applicant shall submit any additional materials and documentation reasonably required by the state purchasing agency in its evaluation of the proposals.

## **XII. RFP Amendments**

The State reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

## **XIII. Final Revised Proposals**

If requested, final revised proposals shall be submitted in the manner, and by the date and time specified by the state purchasing agency. If a final revised proposal is not submitted, the previous submittal shall be construed as the applicant's best and final offer/proposal. *The applicant shall submit **only** the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

**XIV. Cancellation of Request for Proposal**

The RFP may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the State.

**XV. Costs for Proposal Preparation**

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

**XVI. Provider Participation in Planning**

Provider participation in a state purchasing agency's efforts to plan for or to purchase health and human services prior to the state purchasing agency's release of a RFP, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with HAR Sections 3-142-202 and 3-142-203.

**XVII. Rejection of Proposals**

The State reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons:

- (1) Rejection for failure to cooperate or deal in good faith. (HAR Section 3-141-201)
- (2) Rejection for inadequate accounting system. (HAR Section 3-141-202)
- (3) Late proposals (HAR Section 3-143-603)
- (4) Inadequate response to request for proposals (HAR Section 3-143-609)
- (5) Proposal not responsive (HAR Section 3-143-610(a)(1))
- (6) Applicant not responsible (HAR Section 3-143-610(a)(2))

**XVIII. Notice of Award**

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. The State of Hawaii is not liable for any costs incurred prior to the official starting date.

## **XIX. Protests**

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website. (See paragraph II, Website Reference.) Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be postmarked by USPS or hand delivered to 1) the head of the state purchasing agency conducting the protested procurement and 2) the procurement officer who is conducting the procurement (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the state purchasing agency.

<b>Head of State Purchasing Agency</b>	<b>Procurement Officer</b>
Name: Martha T. Torney	Name: Marlene Barton
Title: Executive Director	Title: Program Development Officer
<u>Mailing Address:</u> 820 Mililani Street, Suite 817 Honolulu, HI 96813	<u>Mailing Address:</u> 820 Mililani Street, Suite 817 Honolulu, HI 96813
<u>Business Address:</u> 820 Mililani Street, Suite 817 Honolulu, HI 96813	<u>Business Address:</u> 820 Mililani Street, Suite 817 Honolulu, HI 96813

**XX. Availability of Funds**

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to HRS Chapter 37, and subject to the availability of State and/or Federal funds.

**XXI. General and Special Conditions of Contract**

The general conditions that will be imposed contractually are on the SPO website. (See paragraph II, Website Reference). Special conditions may also be imposed contractually by the state purchasing agency, as deemed necessary.

**XXII. Cost Principles**

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under HRS Chapter 103F, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201, which is available on the SPO website (see paragraph II, Website Reference). Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.



# **Section 2**

## **Service Specifications**

## **Section 2**

### **Service Specifications**

#### **I. Introduction**

##### **A. Overview, purpose or need**

The Hawaii Youth Correctional Facility (HYCF) receives a number of youth who have committed sex offenses. In addition, many youth committed to incarceration are victims of sex abuse. Should these issues be unresolved, future criminal and other anti-social behaviors will more than likely continue. The primary purpose of the requested service is to provide youth with the tools and skills necessary for responsible decision-making, to assist youth to resolve sexually-related issues, and to prevent youth from further involvement in the juvenile justice system.

##### **B. Planning Activities conducted in preparation for this RFP**

Public notice was posted at the State Procurement website on February 23, 2009 to request for information (RFI) and community input in preparation of this solicitation. Community based organizations, public entities, private organizations, and concerned citizens were invited to provide comments and feedback via mail, email, fax, and/or phone. Comments and suggestions were received.

##### **C. Description of the goals of the service**

The requested service shall seek to reduce those risk factors that contribute to the youth's probability of committing sex-related offenses and to assist youth who are victims of sex abuse to cope and manage their lives in a healthier manner.

##### **D. Description of the target population to be served**

The target populations for the requested services are male and female youth incarcerated at the HYCF and referred by the HYCF staff. It is estimated that an average of three youth per month will be referred for services and the average active caseload will be approximately thirteen youth. Please note that these figures are estimates only and the actual referral and caseload numbers may be higher or lower.

##### **E. Geographic coverage of service**

The applicant shall provide services to youth incarcerated on the grounds of the HYCF.

**F. Probable funding amounts, source, and period of availability**

	Approximate General Amount	Approximate Federal Amount	Approximate Total Amount
FY 10 (7/1/09 - 6/30/10)	\$62,000.00	\$ -0-	\$62,000.00
FY 11 (7/1/10 - 6/30/11)	\$62,000.00	\$ -0-	\$62,000.00
FY 12 (7/1/11 - 6/30/12)	\$62,000.00	\$ -0-	\$62,000.00
FY 13 (7/1/12 - 6/30/13)	\$62,000.00	\$ -0-	\$62,000.00

1. The initial contract period shall be for 1 year. Contracts may be multi-term and may be extended, at the discretion of the OYS, up to 3 additional 12-month periods up to a maximum of 4 years. The option for renewal or extension shall be based on the program's satisfactory performance and the availability of funds.
2. The OYS reserves the right to modify the scope of services due to unanticipated future events. There may be unique circumstances, not limited to federal grants, that require modifications be made to continue or improve services. Additionally, should available funding be increased or decreased, the OYS reserves the right to add in additional funds or decrease funds at its discretion.

**II. General Requirements****A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

1. The applicant shall comply with Chapter 103F, HRS, Cost Principles for Purchases of Health and Human Services identified in SPO-H-201 (effective 10/1/98), which can be found on the SPO website (See Section 5, POS Proposal Checklist, for the website address).
2. The applicant shall comply with other applicable federal cost principles and guidelines, as appropriate and as required by the source of funding.
3. The applicant shall meet all State and County licensing requirements to provide sex offender and victim services, if any.

**B. Secondary purchaser participation**  
(Refer to HAR Section 3-143-608)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases

None

**C. Multiple or alternate proposals**  
(Refer to HAR Section 3-143-605)☐ Allowed ☒ Unallowed**D. Single or multiple contracts to be awarded**  
(Refer to HAR Section 3-143-206)☒ Single ☐ Multiple ☐ Single & Multiple

Criteria for multiple awards:

**E. Single or multi-term contracts to be awarded**  
(Refer to HAR Section 3-149-302)☐ Single term (2 years or less) ☒ Multi-term (more than 2 years)

Contract terms:

The initial contract period shall be for 1 year. Contracts may be multi-term and may be extended, at the discretion of the OYS, up to 3 additional 12-month periods up to a maximum of 4 years. The option for renewal or extension shall be based on the program's satisfactory performance and the availability of funds and shall be executed prior to the expiration of the current contract period. The initial period shall commence of the contract start date or Notice to Proceed, whichever is later. Conditions for extension must be in writing and must be executed prior to expiration.

**F. RFP contact person**

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful provider(s). Written questions should be submitted to the RFP contact person and received by the day and time specified in Section 1, paragraph I (Procurement Timetable) of this RFP.

Contact Person: Kelly Otake  
 Phone: (808) 587-5700  
 Fax: (808) 587-5734  
 E-mail: kotake@dhs.hawaii.gov

### III. Scope of Work

The scope of work encompasses the following tasks and responsibilities:

#### A. Service Activities

(Minimum and/or mandatory tasks and responsibilities)

1. Services provided to youth shall be research-based “best practices” that have demonstrated to be effective in identifying and reducing needs and risk factors, increasing assets, and reducing recidivism or anti-social behaviors in sex offenders and victims of sex abuse. Proposals shall describe the overall program model and provide data or information on research and studies completed that qualifies the proposed service as a “best practice” for the target population.
2. Youth referred for services may be required by the HYCF to participate in services provided by the applicant. Direct services to youth will normally be provided on a weekly basis. The frequency of direct services may be increased or decreased based upon an assessment(s) of the risk and needs of the youth.
3. The proposal shall describe how each of the following activities will be addressed and provided to youth:
  - a. Risk and Needs Assessment. Prior to providing services to youth, an assessment of needs shall be completed to determine the type of sex offender or victim services required. Additional assessments may also be completed to determine the level and intensity of services needed by youth. The applicant shall submit a sample of the type of risk and needs assessment instrument(s) to be utilized and shall describe how it will re-assess the risk levels and needs of youth. Applicant shall conduct an assessment of the youth if a previous assessment was not completed within a year of referral or as requested by the HYCF. Applicant shall re-assess youth annually or as requested by the HYCF.
  - b. Case Management. Services to youth shall be comprehensive, consistent, individualized, and holistic in nature. Applicants shall implement a case management system that includes, but is not limited to, individual assessments and determination of functioning levels; identification of service needs; development of individualized service plans and resource identification; development of transitional and community re-integration plans; coordination, monitoring, and assessment of services provided; and periodic review and revision, if necessary, of the service plans.

The applicant shall submit a description of the case management system to be utilized.

- c. Cognitive Behavior Program. Changing beliefs, attitudes, and thinking patterns provide youth with the basis for long-term, pro-social changes. The applicant shall provide a description of their cognitive behavior modification plan including frequency of counseling sessions and describe how changes in youth will be measured. Methods other than the cognitive behavioral approach may be utilized if an alternative approach has been determined to be more effective in addressing the needs of youth.
- d. Relapse Prevention. The applicant shall provide a general description of its relapse prevention strategy.
- e. Additional Assessments. For youth confined at the HYCF, the applicant may recommend, coordinate, and arrange for additional assessment and consultative services as appropriate and as approved by the HYCF.
- f. Referral to Appropriate Resources. For youth released into the community on furlough and parole, the applicant may refer youth to other appropriate community-based programs and agencies for services, including the continuation of sex offender and victim services.
- g. Participation in Meetings. The applicant shall participate in meetings with representatives of the HYCF, Family Court (FC), Department of Education (DOE), Department of Health (DOH), and other pertinent agencies when requested. The purpose of these meetings is to coordinate services with agencies and to update the agencies on issues, concerns, progress, and problems relating to the provision of services to youth and may be one or more times a week.
- h. Staffing Overage: The applicant shall provide a staff replacement for employees who are absent for longer than 7 calendar days.
- i. Reports: Applicant shall submit assessments of youth within 3 weeks of receipt of referral or as requested by the HYCF. Monthly progress reports shall also be submitted to the HYCF.
- j. Training: Applicant shall provide sex offender and victim training to HYCF staff that will include, but not limited to, sex offender etiology, sex offender and victim concepts and theories.

**B. Management Requirements (Minimum and/or mandatory requirements)****1. Personnel**

- a. Staff providing direct services shall be at a master's level or higher in social sciences or humanities with a minimum of six (6) months experience in providing sex offender and/or sex abuse assessment and treatment services to juveniles. The applicant may establish higher minimum qualifications for the aforementioned qualifications.
- b. The applicant shall ensure that employees do not have a criminal history or background which poses a risk to youth. The applicant shall conduct employment and reference checks on all employment applicants. In addition, prior to providing direct services to youth, criminal history record checks (State and FBI Criminal History Check, Sex Offender Registry, and the Child Abuse and Neglect Registry Clearance), shall be conducted, as allowed by statutes or rules, for any person who is employed or volunteers in a position which necessitates close proximity to children or adolescents. Documentation of criminal history record checks shall be maintained in the employee's or volunteer's personnel file and shall be available for review. Criminal history records checks, except for the FBI fingerprint check, shall be conducted annually or as required for licensing purposes. National criminal history checks shall be completed by the applicant if the applicant is unable to process a criminal history check through the F.B.I..
- c. Staff shall be sufficiently trained and knowledgeable in working with and understanding the programmatic and security issues and concerns regarding the targeted youth population prior to providing direct services to youth.
- d. Applicant shall assign a female therapist to provide services to female youth. Services to male youth may be provided by either a male or female therapist.
- e. For out-of-state applicants, there shall be established prior to the provision of direct services to youth, a Hawaii-based staff or designee who shall assume the day-to-day responsibilities of establishing and implementing all necessary collaborations, programs, services, and requirements of the agreement.

**2. Administrative**

- a. The applicant is required to meet with the HYCF to discuss any aspect of the services.

- b. The applicant is required to actively participate and contribute to any aftercare/reentry initiatives supported by the OYS and HYCF. The applicant shall be open to make program and service adaptations that would support the successful implementation of a comprehensive aftercare/reentry program at the HYCF.
- c. The applicant is required to maintain detailed records of youth, program activities, and personnel records. Copies of pertinent information, such as progress reports and assessments, shall be submitted to the HYCF upon request.
- d. The applicant shall also be required to comply with applicable provisions and mandates of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The HIPAA regulates how individually identifiable health (medical and mental health) information is handled to ensure confidentiality.
- e. The applicant shall develop a written curriculum or manual that describes the program and service activities, objectives, and strategies. A description, outline or table of contents of the curriculum or manual shall be submitted with the proposal.
- f. The proposal shall describe the general process youth will follow through the program, from referral to discharge and aftercare, and the type of services to be provided at each phase of the program.
- g. The applicant shall describe any State and/or national accreditation, affiliation, or standards that will be used to guide the program.
- h. The applicant shall not utilize youth for any agency solicitation or political campaign purposes.
- i. The applicant may not charge youth and/or their families for program services.
- j. Services will normally be provided during non-school hours, including evenings and weekends. Services may be arranged during school hours with the approval of the HYCF and DOE. The dates and times of services shall be arranged with the HYCF.
- k. Applicant shall be required to abide by the policies, rules, and regulations of the HYCF and the OYS.



- l. A working agreement between the applicant and the HYCF shall be completed. The working agreement shall describe procedures regarding the processing of youth for sex offender or victim services, forms to be utilized, and the roles and responsibilities of each agency.
- m. Subcontracting arrangements may be allowed if the applicant is unable to provide components of the requested services directly. Copies of draft subcontract agreements must be submitted as an attachment to the proposal. All subcontracts must follow the pricing structure and all other requirements of this RFP.
- n. Applicant will be required to purchase, prior to the execution of a contract, a minimum of two million (\$2,000,000) professional liability insurance per occurrence and shall name the State as additionally insured.

### **3. Quality assurance and evaluation specifications**

- a. All contracts shall be monitored by the OYS in accordance with requirements set forth by Chapter 103F, Hawaii Revised Statutes. Contract monitoring shall include:
  - 1) The review of all requirements as stipulated in the contract, including a review of case files.
  - 2) Periodic site visits, scheduled and unscheduled, to review major program service areas, such as:
    - a) Staff qualification, organization, and effectiveness.
    - b) File maintenance and record keeping.
    - c) Liability issues.
    - d) Consumer satisfaction.
  - 3) Access to all materials, files, and documents relating to the provision of services. In addition, the HYCF may, at its discretion, observe individual or group sessions conducted by the therapist.
- b. The applicant must maintain for the term of the contract the system of evaluation developed by the HYCF and the OYS, including the use of evaluation tools and reporting forms. In addition, the

applicant must take corrective actions that the HYCF or OYS deems necessary in light of the evaluation data.

**4. Output and performance/outcome measurements**

Not applicable

**5. Experience**

Staff providing direct services to youth are required to have 6 months experience in providing sex offender and victim service to youth.

**6. Coordination of services**

Applicant shall work with agencies involved with youth to ensure services are appropriate and supportive of the goals established by the HYCF.

**7. Reporting requirements for program and fiscal data**

Contracts are programmatically and fiscally monitored by the OYS. Monitoring includes the review of program reports and services; invoices; and any issues applicable to services provided. Monitoring may take place at a variety of locations including the HYCF, applicant's administrative office, and the sites of service delivery.

**C. Facilities**

Not applicable.

**IV. COMPENSATION AND METHOD OF PAYMENT**

**A. Pricing or Pricing Methodology to be Used**

1. Pricing structure will be based on a fee for service basis utilizing a fixed unit rate. The fee for service pricing structure reflects a purchase arrangement in which the OYS pays the applicant for units of service delivered as specified in the contract, up to a stated maximum obligation. Contract amounts will be based on the fixed unit rate multiplied by the number of units purchased by the OYS.
2. Applicants shall be required to apply the Cost Principles on Purchase of Health and Human Services and other applicable federal cost principles and guidelines as appropriate and as required by the source of funding.

**B. Units of Service and Unit Rate**

1. A unit of service shall be defined as one (1) hour or a fraction thereof of direct services to youth or on behalf of the youth.

a. The applicant shall submit a hourly unit rate schedule for the following:

- Individual sessions
- Group sessions
- Assessments and re-assessments of youth
- Attendance at meetings requested by the HYCF
- Collateral contacts on behalf of the youth

The unit rates shall be inclusive of transportation, preparation of reports, and record keeping. Final unit rates will be negotiated upon award of contract.

b. Total units of service, unit rates, and total funding amounts allocated to the contract may be increased or decreased at any time, at the discretion of the OYS. Reasons for such increases or decreases include, but are not limited to, the program's performance, availability of funds, cost of living adjustments, utilization rates, and a shifting of needs and priorities.

## **Section 3**

# **Proposal Application Instructions**

## Section 3

# Proposal Application Instructions

### General instructions for completing applications:

- *Proposal Applications shall be submitted to the state purchasing agency using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. See sample table of contents in Section 5.*
- *Proposals may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPO-H-200A) is available on the SPO website (see Section 1, paragraph II, Website Reference). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

### The Proposal Application comprises the following sections:

- *Proposal Application Identification Form*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

## **I. Program Overview**

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

## **II. Experience and Capability**

### **A. Necessary Skills**

The applicant shall demonstrate that it has the necessary skills, abilities, and knowledge relating to the delivery of the proposed services.

### **B. Experience**

The applicant shall provide a description of verifiable experience with projects/contracts for the most recent five years that are pertinent to the proposed services. Applicant shall include points of contact, addresses, email/phone numbers. The State reserves the right to contact references to verify experiences.

### **C. Quality Assurance and Evaluation**

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

### **D. Coordination of Services**

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community.

### **E. Facilities**

Not applicable.

## **III. Project Organization and Staffing**

### **A. Staffing**

#### **1. Proposed Staffing**

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

#### **2. Staff Qualifications**

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable)

## **B. Project Organization**

### **1. Supervision and Training**

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

### **2. Organization Chart**

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full time equivalency) Both the “Organization-wide” and “Program” organization charts shall be attached to the Proposal Application.

## **IV. Service Delivery**

The Service Delivery Section shall include a detained discussion of the applicant’s approach to applicable service activities and management requirements from Section 2, Item III. – Scope of Work, including (if indicated) a work/service plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules and other required or requested materials, information, or documents. The Scope of Work section of the proposal includes the following major areas:

1. Service Activities
2. Management Requirements

## **V. Financial**

### **A. Pricing Structure**

Applicant shall submit a cost proposal utilizing the pricing structure designated by the state purchasing agency. The cost proposal shall be attached to the Proposal Application.

### **B. Other Financial Related Materials**

#### **Tax Clearance Certificate (Form A-6)**

An original or certified copy of a current, valid tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) shall be submitted with the proposal by the due date

and time. The two-part Tax Clearance Application (Form A-6) that combines DOTAX and IRS tax clearance shall be used for this purpose.

**VI. Other**

**A. Litigation**

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgment. If applicable, please explain.



# **Section 4**

## **Proposal Evaluation**

## Section 4

# Proposal Evaluation

### I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

### II. Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 - Evaluation of Proposal Requirements
- Phase 2 - Evaluation of Proposal Application
- Phase 3 - Recommendation for Award

#### Evaluation Categories and Thresholds

##### Evaluation Categories

##### Possible Points

##### *Administrative Requirements*

##### *Proposal Application*

**100 Points**

Program Overview	0 points
Experience and Capability	20 points
Project Organization and Staffing	15 points
Service Delivery	55 points
Financial	10 Points

**TOTAL POSSIBLE POINTS**

**100 Points**

### III. Evaluation Criteria

#### A. Phase 1 - Evaluation of Proposal Requirements

##### 1. Administrative Requirements

- Application Checklist
- Registration (if not pre-registered with the State Procurement Office)
- Tax Clearance Certificate (Form A-6)

##### 2. Proposal Application Requirements

- Proposal Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

#### B. Phase 2 - Evaluation of Proposal Application (100 Points)

***Program Overview:*** No points are assigned to Program Overview. The intent is to give the applicant an opportunity orient evaluators as to the service(s) being offered.

- The applicant has demonstrated a thorough understanding of the purpose and scope of the service activity.
- The vision, mission, and outcomes of the agency are in alignment with the proposed service activity.
- The applicant has described the means of assessing and determining the needs of its community as they relate to the proposed service activity.
- The applicant has described how the proposed service is designed to meet the pertinent issues and problems identified.

**1. Experience and Capability (20 Points)**

The State will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

**A. Necessary Skills**

- Demonstrated skills, abilities, and knowledge relating to the delivery of the proposed services.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. Experience**

- Documented evidence of the effectiveness and results of past experiences in providing similar services (awards, certifications, outcomes, performance targets and milestones).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C. Quality Assurance and Evaluation**

- Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. Coordination of Services**

- Demonstrated capability to coordinate services with other agencies and resources in the community.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**E. Facilities**

- Not applicable.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Project Organization and Staffing (15 Points)**

The State will evaluate the applicant's overall staffing approach to the service that shall include:

**A. *Staffing***

- Proposed Staffing: That the proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services. \_\_\_\_\_
- Staff Qualifications: Minimum qualifications (including experience) for staff assigned to the program. \_\_\_\_\_
- Articulated plans to recruit, retain and support qualified management and staff with the agency. \_\_\_\_\_

**B. *Project Organization***

- Supervision and Training: Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services. \_\_\_\_\_
- Organization Chart: Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks. \_\_\_\_\_
- Articulated procedures and plans to provide administrative direction, supervision and oversight to staff relative to the delivery of the proposed services. \_\_\_\_\_

**3. *Service Delivery (55 Points)***

*Evaluation criteria for this section will assess the applicant's approach to the service activities and management requirements outlined in the Proposal Application.*

The evaluation criteria may also include an assessment of the logic of the work/service plan for the major activities and tasks to be completed, including clarity in work assignments and responsibilities, and the realism of the timelines and schedules, as applicable. The work plan should also clearly articulate the overall service flow from program entry to program completion. Applicants should clearly articulate how the proposed program or services supports the overall vision, mission, and outcome statements of the OYS and the organization as well as how it compliments other youth services the applicant currently provides. Applicants should submit requested information, materials, or

curriculum to support and document various service tasks or components.

**5. *Financial (10 Points)***

- Competitiveness and reasonableness of unit(s) of service.
- Tax Clearance Certificate (Form A-6) is submitted. An original or certified copy of a current, valid tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS).

**C. Phase 3 - Recommendation for Award**

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

# **Section 5**

## **Attachments**

- A. Proposal Application Checklist
- B. Sample Table of Contents
- C. Special Conditions (draft)

## Proposal Application Checklist

Applicant: \_\_\_\_\_

RFP No.: \_\_\_\_\_

The applicant's proposal must contain the following components in the order shown below. This checklist must be signed, dated and returned to the purchasing agency as part of the Proposal Application. SPOH forms are on the SPO website. See Section 1, paragraph II Website Reference.\*

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Completed by Applicant
<b>General:</b>				
Proposal Application Identification Form (SPO-H-200)	Section 1, RFP	SPO Website*	<b>X</b>	
Proposal Application Checklist	Section 1, RFP	Attachment A	<b>X</b>	
Table of Contents	Section 5, RFP	Section 5, RFP	<b>X</b>	
Proposal Application (SPO-H-200A)	Section 3, RFP	SPO Website*	<b>X</b>	
Tax Clearance Certificate (Form A-6)	Section 1, RFP	Dept. of Taxation Website (Link on SPO website)*		
Cost Proposal (Budget)				
SPO-H-205	Section 3, RFP	SPO Website*		
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions are in Section 5		
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions are in Section 5		
SPO-H-206A	Section 3, RFP	SPO Website*		
SPO-H-206B	Section 3, RFP	SPO Website*		
SPO-H-206C	Section 3, RFP	SPO Website*		
SPO-H-206D	Section 3, RFP	SPO Website*		
SPO-H-206E	Section 3, RFP	SPO Website*		
SPO-H-206F	Section 3, RFP	SPO Website*		
SPO-H-206G	Section 3, RFP	SPO Website*		
SPO-H-206H	Section 3, RFP	SPO Website*		
SPO-H-206I	Section 3, RFP	SPO Website*		
SPO-H-206J	Section 3, RFP	SPO Website*		
<b>Certifications:</b>				
<b><i>Federal Certifications</i></b>		Section 5, RFP		
Debarment & Suspension		Section 5, RFP		
Drug Free Workplace		Section 5, RFP		
Lobbying		Section 5, RFP		
Program Fraud Civil Remedies Act		Section 5, RFP		
Environmental Tobacco Smoke		Section 5, RFP		
<b>Program Specific Requirements:</b>				

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date



## Proposal Application Table of Contents

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## **SPECIAL CONDITIONS**

1. **Insurance.** Paragraph 1.4, Insurance, General Conditions, is modified and the PROVIDER agrees to the following:

In order to protect the PROVIDER as well as the State of Hawaii, the STATE, and their officers and employees covered under the indemnification provision in this Contract, the PROVIDER shall obtain and keep in force throughout the period of this Contract the following insurance:

Automobile liability insurance for automobiles owned or leased by the PROVIDER and used to carry out services specified in this Contract shall be obtained from a company authorized to do business in the State, or meet Section 431:8-301, Hawaii Revised Statutes if utilizing an insurance company not licensed by the State of Hawaii, and complying with the Hawaii No Fault Insurance Law. The combined amount shall be at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) with respect to bodily injury and to property damage. Prior to or upon execution of this Contract, the CONTRACTOR shall furnish the STATE with a Certificate of Insurance, verifying the existence of such insurance and shall name the STATE and its officers, employees, and agents as additional insured. The statement should be in the description of the certificate and should read: RE: Contract No. DHS-08-OYS [contract #]. It is agreed that the State of Hawaii is named as additional insured with respect to the operations arising out of the operations performed by the named insured. The certificate shall also expressly provide that such insurance shall not be cancelled unless the insurance company has first given to the STATE thirty (30) calendar days written notice of intended cancellation. The statement should be in the lower right hand corner of the certificate should read: "Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named to the left."

If the PROVIDER is authorized by the STATE to subcontract, subcontractor(s) is not excused from the Indemnification and/or Insurance provisions of this Contract. The PROVIDER agrees to require its subcontractor(s) to obtain insurance in order to indemnify the STATE.

Failure of the PROVIDER to provide and keep in force such insurance shall be regarded as material default under this Contract, entitling the STATE to exercise any or all of the remedies provided in this Contract for default of the PROVIDER.

The procuring of such required policy or policies of insurance shall not be construed to limit the PROVIDER's liability hereunder nor to fulfill the indemnification provisions and requirements of this Contract. Notwithstanding said policy or policies of insurance, the PROVIDER shall be obliged for the full and total amount of any damage, injury, or loss caused by the negligent act or omission of the PROVIDER or its authorized representatives.

2. **Confidential Information.** In addition to Paragraph 2.1, Confidentiality of Material, General Conditions, the PROVIDER further agrees to the following:

All information and records about or for the clients served, secured from clients, the STATE, or any other individuals or agencies by the PROVIDER, or prepared by the PROVIDER for the STATE, in satisfaction of this Contract, shall be confidential and shall not be made available to any individual or organization by the PROVIDER without prior written approval of the STATE, subject to provisions of applicable State of Hawaii and Federal statutes, and State of Hawaii Administrative Rules. To ensure the confidentiality of all such information and records, the PROVIDER shall immediately notify the STATE when inquiries for information, including subpoenas are made to the PROVIDER. The PROVIDER shall submit copies of all written requests for information, as well as subpoenas, to the STATE.

3. **Maintain Records.** In addition to Paragraph 2.3, Records Retention, General Conditions. The PROVIDER further agrees as follows:

The PROVIDER shall maintain statistical, clinical, and administrative records pertaining to services of this Contract. The records shall be subject at all reasonable times to inspection or review by the STATE or Federal representatives directly connected with the program area under this Contract. All records shall be retained and made accessible for a minimum of six years after the date of submission of the PROVIDER's final report to the STATE; provided that, in the event any litigation, claim, negotiation, investigation, audit, or other action involving the records has been started before the expiration of the 6-year period, the PROVIDER shall retain the records until completion of the action and resolution of all issues that arise from it or until the end of the regular 6-year retention period, whichever occurs later.

4. **Equipment.** All equipment purchased with contract funds under this Contract including items of personal property, as distinguished from real property, that has an acquisition cost of \$1,000.00 or more per item and with an expected life of more than one year, shall remain the property of the STATE. All equipment purchased with contract funds must have prior approval from the STATE before purchase to be allowable. Following the Contract period, all equipment shall be reported in the final fiscal report to the STATE. Disposition of said equipment shall be prescribed by the STATE.

5. **Publications.** The PROVIDER shall submit all reports and written publications resulting from this Contract for review, comment and approval prior to publication. Any publications (written, visual or sound), whether published at the PROVIDER's or STATE's expense, shall contain the following statements (Note: This excludes press releases, newsletters, and issue analyses):

This project was supported by a Contract from the Office of Youth Services, Department of Human Services, State of Hawaii (and if applicable, the name and federal award number of a federal grant funding the contract).

The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Office of Youth Services (and if applicable, the federal grant agency).

6. **HIPAA.** In this Contract “HIPAA” means the Administrative Simplification provisions of the *Health Insurance Portability and Accountability Act of 1996*, Pub. L. No. 104-191. PROVIDER is a “health care provider” under HIPAA. A “covered entity” is a health care provider that transmits information in a standard electronic transaction under 45 CFR Parts 160 and 162. If PROVIDER is or becomes a “covered entity”, then PROVIDER must comply with all of the rules adopted to implement HIPAA, including rules for privacy of individually identifiable information, security of electronic protected health information, transactions and code sets, and national employer and provider identifiers. See, 45 CFR Parts 160, 162, and 164.